REMARKS

Claims 1-12, all the claims pending in the application, stand rejected. Claims 1-4 have been amended. New claims 13-18 have been added. Finally, a minor change to page 1, lines 26-29 of the specification has been made.

Claim Rejections - 35 U.S.C. § 112

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, because the limitation "the intermediate part" is alleged to have an insufficient antecedent basis in the claim. Applicant traverses this rejection, as the lack of antecedent basis in the present case does not rise to the level of a proper basis for a rejection under 35 USC 112, second paragraph. One of ordinary skill reading the claims in the light of the specification would clearly understand the metes and bounds of the claim. At best, the Examiner's point is a basis for objection and is considered merely a suggestion of the Examiner's preferred claim style. No claim amendment is required for purposes of patentability.

However, in order to permit the examination of this application to proceed without undue delay, the word "the" has been changed to word "an". While not mentioned by the Examiner, this same objection may be applied to claims 3 and 4, and the same changes have been made.

Claim Rejections - 35 U.S.C. § 103

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Munro (1,859,105) in view of Zaparka (2,049,555). This rejection is traversed.

As a preliminary matter, Applicant notes that subject matter of the present invention is a reinforcing holder for use in building construction, particularly wooden buildings, which may be subject to seismic vibration. As illustrated in Fig. 1, the invention comprises an elongated metal plate 1 having a fixing piece 11 at each of the two opposite ends, and an intermediate part 12.

Each of the fixing pieces 11 is bent in the same direction to form a mounting surface for attachment to one side of a first structural member, and may be further bent to form an edge piece 17 that contacts a second side of the first structural member. The mounting surface may include an absorbing member 2 having rubber elasticity and providing vibration damping. The mounting surface and edge piece of the fixing piece 11 are sized to enable the plate to be fixed along first and second adjacent side surfaces of the structural member.

The intermediate part 12 provides an additional vibration absorbing function by the use of a bent and swelled part 13 or curved and swelled part 14, each of which being extended outward of the intermediate part 12. Further, a center portion of the parts 13 or 14 may have a bent inward or outward portion 15 that is shaped to form a "cushion round," which can enhance the vibration absorbing effect of the novel holder design. The contact surface 22 of the absorbing member that contacts the structural member (Fig. 3) will provide a desired vibration absorption function.

The foregoing structure is recited in all the claims. However, the original claims do not presently recite the environment within which the holder is used, namely for joining structural members in a building and reinforcing against seismic vibrations.

Prior Art

As preliminary matter, Applicant notes that the patents to Munro and Zaparka are relevant to the spring suspension of vehicles, and do not concern reinforced braces for building construction. The Examiner does find in Munro and twisted bent plate that is secured to a structure by a sound deadening material, which is not specifically disclosed as being rubber. The Examiner turns to Zaparka for such rubber mounts in a similar technical field, and concludes that it would be obvious for one of ordinary skill to modify Munro with the structure of Zaparka.

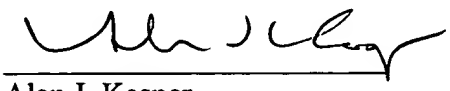
This rejection is overcome by Applicant's amendment to claim 1, which now specifically states that the reinforcing holder is applicable against "seismic" vibrations and is "for joining structural members in a building". The body of the claim already refers to such "structural members", thereby tying the preamble to the main claim limitations.

Additional claims 13-18 now have been added to the application that provide greater particularity to the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Alan J. Kasper
Registration No. 25,426

Date: September 26, 2002

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Page 1, delete the last full paragraph and insert the following paragraph:

In view of the foregoing, the reinforcing holder against vibrations 41 shown in the perspective view of FIG. [5] 6 has been devised and used to sufficiently withstand even strong vibrations caused by an earthquake, a typhoon or the like.

IN THE CLAIMS:

1. (Amended) A reinforcing holder against seismic vibrations for joining structural members in a building comprising:

a reinforcing base member formed by twisting and bending both end parts of a plate in one direction to form fixing pieces, and

absorbing members having rubber elasticity,

the said reinforcing base member being fixed to said structural members via [the] said absorbing members.

2. (Amended) The reinforcing holder against vibrations according to claim 1, wherein a bent and swelled part having a plane face is formed by bending twice outward [the] an intermediate part of the reinforcing base member.

3. (Amended) The reinforcing holder against vibrations according to claim 1, wherein a curved and swelled parts having curved face is formed by curving outward [the] an intermediate part of the reinforcing base member.

4. (Amended) The reinforcing holder against vibrations according to claim 1, wherein a cushion round is formed in the approximate center part of [the] an intermediate part of the reinforcing base member.

New claims 13-18 have been addeed.